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09/751,862	12/30/2000	Steven C. Dake	042390.P10206	8596

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EXAMINER
CHEN, TE Y

ART UNIT	PAPER NUMBER
2171	13

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No. 09/751,862	Applicant(s) DAKE, STEVEN C.
	Examiner Susan Y Chen	Art Unit 2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>10 November 2003</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-26</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-26</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

Response to Amendment

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

10/10/2003 has been entered.

2.   This is in response to amendment filed on 11/10/2003.

3.   Claims 1 - 26 are pending for examination, claims 1, 6, 11, 13, 17, 19, 21 and 25

have been amended.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11
F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225
USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA
1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*,
418 F.2d 528, 163 USPQ 644 (CCPA 1969).
A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be
used to overcome an actual or provisional rejection based on a nonstatutory double
patenting ground provided the conflicting application or patent is shown to be commonly
owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4.   Claims 1-26 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of Futral et al. (U.S. Patent No. 6,044,415) of record and in view of Rodrigues et al. (U.S. Patent No. 6,650,761). Although the conflicting claims are not identical, they are not patent-ably distinct from each other because these two systems claim substantially the same method, apparatus and storage medium program product to perform functions as following: Fast transferring I/O data In a client/server network file distribution environment via a virtual I2O interface of an interconnect system with I/O peripheral devices without the overhead of kernel services by the operating system. Wherein, the interface receives file I/O access request from the client, associating an identifier with the file, and sends the request to an I/O server. The server responds with acknowledgement message, searching for file information in the network and executing the requested I/O operations via a processor.

5.   Although the instant application specifically claims associating a unique identifier with bits to the file name for client and server communication instead of using a virtual address as claimed by Futral et al. However, associating bit-identifier to identify the file name is well known in the art, for example, see Rodrigues et al. (U.S. Patent No. 6,650,761, col. 4, lines 3-7) Thus, It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply this well known technique as

claimed by the applicant to replace the use of virtual address identification for the

client/server message communication, because by doing so, a file name identification is

more meaningful than a virtual address to the client/server application. Furthermore, by

using the short bits to represent a lengthy file name can allow the system to reduce the

I/O payload during message passing in the client/server network.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Balabine et al. (U.S. Patent No. 6,442,548) of record, in view of Rodrigues et al. (U.S.

Patent No. 6,650,761).

As to claims 1-2, 4-5, 9, 11-14 and 16-21, Balabine et al. (thereinafter referred as

Balabine) discloses a computer system with method, apparatus and storage medium

program product to perform the following steps, comprising:

a) a client software [for example, IXFS file system navigation tool, 200, Fig. 2;

302, Fig. 3] to receive a request from a user for a file having a file name, assigns a

unique identifier via bits [e.g. the data object pointer (608), Fig. 6; Note: the pointer

points to the data object identified by the file name, and the pointer is in bit format that is

typically smaller than the number of bits of a file name] to the file name and send unique

identifier and file name to a database server [for example, Informix® Universal Server,

col. 1, lines 60-65; 403, Fig. 3; Fig(s) 5A-5C; Fig. 6; col. 5, lines 5-21, 35-44; col. 6,

lines 5-33], wherein the bit-identify is typically smaller than number of bits of a file name.

b) a database server locates file information using the file name and identifier,

and stores corresponding file information [col. 5, lines 55-66; col. 6, lines 47-54];

c) an interconnect system transports the unique identifier and file name between

the client and server [IXFS, 300, Fig. 3; col. 5, lines 23-32, Fig. 6].

Balabine did not specifically disclose that the unique identifier represents the file

name with fewer bits than the file name.

However, Rodrigues et al. (hereinafter referred as Rodrigues) discloses an

information processing system having unique identifier represents a file name with

fewer bits than the file name [Abstract, col. 4, lines 3-7].

Thus, In considering the combination of teachings of Balabine and Rodrigues, an

ordinary skilled person in the art would be motivated to further modify the combined

system with a unique identifier represents the file name with fewer bits than the file

name. Because by doing so, a file name identification is more meaningful than a virtual

address to the client/server application. Furthermore, by using the short bits to

represent a lengthy file name can allow the system to reduce the I/O payload during

message passing in the client/server network.

As to claim 22, the combined system of Balabine and Rodrigues further discloses that the client comprises an operating system service module [for example, Balabine: OS Kernel, 702, Fig. 7].

As to claim 23, the combined system of Balabine and Rodrigues further discloses that the server comprises an intermediate service module [for example, Balabine: 707, 708, Fig. 7; 807, 808, Fig. 8].

As to claim 25, the combined system of Balabine and Rodrigues further discloses the system having means to perform file management including:

a) a file system interface [for example, Balabine: IXFS file system navigation tool, 200, Fig. 2] to receive a request [e.g., Balabine: the read request from applications, col. 5, lines 5 -10] for a file having name and assigned unique identifier [e.g., Balabine: the Data Object Pointer (608), Fig. 6] to the file name [e.g., Balabine: the File Name (601), Fig. 6];

b) a file system manager to locate file information using the file name an store file information using the unique identifier [for example, Balabine: IXFS Daemon Module, 708, Fig. 7; 808, Fig. 8; col. 9., lines 15-37];

c) a communication system to communicate the unique identifier and file name between the file system interface and file system manager [for example, Balabine: NFS Front-end Daemon, 804, Fig. 8; col. 9, lines 38-53].

As to claim 26, the recited features are inherent of network File System (NFS).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 3, 6-8, 10 and 15, are rejected under 35 U.S.C. 103(a) as being

unpatentable over Balabine (U.S. Patent No. 6,442,548) of record, in view of Rodrigues

et al. (U.S. Patent No. 6,650,761) and further in view of Matsumani et al. (U.S. Patent

No. 5,619,690) of record.

As to claims 3, 6-8, 10 and 15, the combined system of Balabine and Rodrigues

discloses all the features as claimed by applicant, except the combined system did not

expressively teach issuing an acknowledgement message from the server to a client

after receiving file access request from the client.

However, Matsumani et al. discloses a server issuing an acknowledgement

message to a client after receiving file access request from the client [105, Fig. 5; col. 3,

lines 43-54]. Thus, It would have been obvious to one of ordinary skill in the art at the

time the invention was made to combine the teachings of Balabine, Rodrigues and

Matsumani, because by applying Matsumani's message notification means in the file

handlers of the combined system of Balabine and Rodrigues, would allow the combined system having a two-way communication mechanism between client and server, so as to detect any possible network communication failures and ensure the system integrity.

Claim Rejections - 35 USC § 103 (Continue)

8.   Claim 24, is rejected under 35 U.S.C. 103(a) as being unpatentable over Balabine (U.S. Patent No. 6,442,548) of record, in view of Rodrigues et al. (U.S. Patent No. 6,650,761) and Matsumani et al. (U.S. Patent No. 5,619,690) of record and further in view of Applicant Admitted prior art (AAPA) of record.

As to claim 24, the combined system of Balabine, Rodrigues and Matsumani disclose the interconnected system operates in accordance with a peripheral component interconnect system [for example, see Fig. 2], they did not specifically disclosed the interconnect system operates in I2O.

However, AAPA specifically discloses I2O is a conventional existing technique [Page 9, lines 16-20 of Applicant's specification]. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the conventional I2O technique at the combined system of Balabine, Rodrigues and Matsumani, because by having an existing I2O as a subcomponent in the combined system would enlarge the system services scope.

Response to Arguments

9.   Applicant's arguments with respect to claims 1-26 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

10.   To expedite the process of re-examination, the examiner requests that all future

correspondences in regard to overcoming prior art rejections or other issues (e.g. 35

U.S.C. 112) set forth by the Examiner prior to the office action, that applicant should

provide and link to the most specific page and line numbers of the disclosure where

best support is found (see 35 U.S.C. 132).

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Susan Y Chen whose telephone number is (703) 308-

1155. The examiner can normally be reached on 7-4:30.

12.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Safet Metjahic can be reached on (703) 308-1436. The fax phone numbers

for the organization is (703) 872-9306.

13.   Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703)308-

6296.

Susan Chen   *W* 1/22/04

Jan. 22, 2004